

REMARKS

Claims 1 and 4-7 are pending in this application. All of the pending claims were rejected under 35 U.S.C. 101. Claims 1 and 4-7 are all currently amended. Reconsideration is respectfully requested.

Claims 1 and 4-7 were rejected under 35 U.S.C. 101 for being directed to non-statutory subject matter. In particular, the Office suggests that the cited logic modules are functional descriptive materials such as computer programs. All of the claims have been amended to replace the term “logic” with “data processing apparatus,” support for which is in the Specification at pp. 95-96. Withdrawal of the rejection is therefore requested.

Claim 1 was also rejected for lack of a practical application step. Since the practical application of evaluating an alternative access point and requesting association with that access point is migrating to that access point, claim 1 has been amended to recite the limitation “data processing apparatus operable if requested association is approved by the alternative access point to cause the wireless device to become associated with that alternative access point.” Support for this language is in the Specification at the top of page 57, i.e., “if a DRCP Accept is received with the AP-ID matching the selected APs AP-ID (step 514), the STA sets its TP backoff value to zero (step 516) and associates with the AP from which the Accept was received (step 518).” If the alternative access point provides a better data rate as ascertained, this is certainly a useful result. Withdrawal of the rejection is therefore requested.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully

requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

3/28/2007
Date

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